

IN THE UNITED STATES DISTRICT COURT **RECEIVED**
 FOR THE DISTRICT OF SOUTH CAROLINA **CLERK, CHARLESTON, SC**

2006 DEC 11 P 4:32

Jesse W. Gibson,

Plaintiff,

v.

Officer Craig Nelson;
 Judge Barry Koon;
 and Prosperity Police Department,

Defendants.

Civil Action No.: 9:06-3067-SB

ORDER

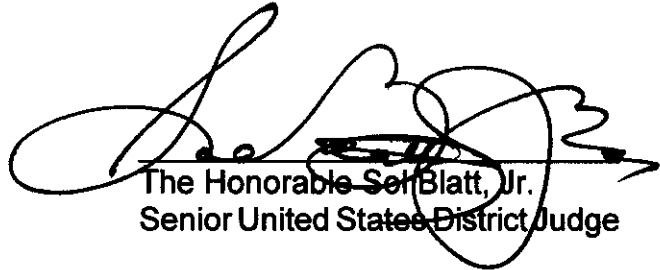
This matter is before the Court upon Plaintiff Jesse W. Gibson's ("Gibson") Complaint filed pursuant to 42 U.S.C. § 1983. The record contains a report and recommendation ("R&R") of a United States Magistrate Judge, which was made in accordance with 28 U.S.C. § 636(b)(1)(B). The R&R recommends that the Court dismiss Gibson's § 1983 Complaint without prejudice and without issuance and service of process because a right of action with respect to Gibson's pre-trial detention and pending criminal proceedings has not yet accrued. A party may object, in writing, to an R&R within ten days after being served with a copy of that report. 28 U.S.C. 636 (b)(1). To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985). Here, because no objections were filed, the Court need not conduct a de novo review of any portion of the R&R. Accordingly, based on the foregoing, the Court hereby adopts the Magistrate Judge's R&R as the Order

of the Court, and it is

ORDERED that this action is hereby dismissed *without prejudice* and without issuance and service of process.

IT IS SO ORDERED.



The Honorable Sen Blatt, Jr.
Senior United States District Judge

December 11, 2006
Charleston, South Carolina

